

ORIGINAL

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In The Matter of)
)
Amendment of Section 73.202(b),) MM Docket _____
Table of Allotments,)
FM Broadcast Stations) RM _____
(Roxton, Texas)

To:
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

PETITION FOR RULE MAKING

Lake Broadcasting, Inc. ("LAKE"), a Texas Corporation, hereby petitions the Commission to institute a Notice of Proposed Rule Making (NPRM) for the allocation of channel 274A to Roxton, Texas, as that Community's first FM broadcast service. LAKE gives the required verifications and also certifies that if the Commission allocates the channel, it, or an entity in which it participates, will file an application for construction permit.

CHANNEL 274A AT ROXTON QUALIFICATIONS

As shown by the attached channel study (Exhibit E, figure 1) channel 274A, when allocated to Roxton, appears to have no short spacing to any known licensed facilities, proposed minor changes or proposed rule makings. It also appears that the nearest short spacing concerns are as

O+Y
MMB

follows: KDMX(FM), (channel 275C) Dallas, Texas, at 227.40°(Degrees) True; KEMM.C(FM) (channel 277C2), Commerce, Texas, at 225.8°(Degrees) True; and Applications (channel 274A), at Winona, Texas, 158.1° to 160.0°(Degrees) True. The intersecting of these minimum distance separation contours create the location area for a fully spaced antenna site for channel 274A at Roxton.

Exhibit E, figure 2 is an attached map which shows the fully spaced site chosen for the instant rule making would cover 100% of the proposed city of license with a hypothetical 70 dBu F(50,50) contour. The distance shown for a class A facility (6 kW, 100 meters HAAT) is 16.2 kilometers (10.1 miles).

The map also shows the window available for the allocation of channel 274A to Roxton. This shows that LAKE's proposed coordinates do not short-space any existing stations, construction permits, applications, or allocations.

In order to alleviate potential FAA problems, LAKE could possibly use an existing structure in excess of 300 feet AGL at a fully spaced reference site under Section 73.215. If the Commission allocates channel 274A to Roxton as that community's first local aural service, antenna sites in the immediate area of the LAKE reference coordinates will be available without FAA obstruction concerns.

ROXTON, TEXAS

Roxton is located in Delta County, Texas, and is the county seat. It has local banking, a functioning school system, a public library, in addition to police and municipal service systems which give it the required indicia required by the Commission to be a community of license. According to the United States Census Bureau, Roxton had a population of 639 persons on January 1, 1990. The community is recognized as Census Designated Area by the US Census Bureau. Information from the Texas Secretary of State depicts that it has a functioning city government and has been an incorporated city for several years.

PETITION SUMMARIZED

The petition for the allocation of channel 274A at Roxton can be SUMMARIZED as follows:

<u>COMMUNITY</u>	<u>PRESENT</u>	<u>PROPOSED</u>
Roxton	-----	274A

No substitutions of channels in other markets or interruption of service are necessary for this allocation. Since there are no channel deletions or substitutions necessary for the allocation of channel 274A at Roxton, it can be allotted and applications for a construction permit filed immediately.

EXPRESSION OF INTEREST

LAKE hereby certifies that it is interested in the allocation of channel 274A at Roxton and if the channel is allocated it, or an organization in which it participates,

will timely file an application for construction permit. It further states that it, or an entity in which it is a participant, will construct and daily operate this station, if it is the successful applicant.

PETITIONER'S PREFERENCE

LAKE is aware that talk in the "trade" lately has hinted that the Commission may institute a procedure commonly known as "petitioner's preference or finder's preference." This practice would, in essence, give a petitioner a preference when an application window was opened for an allocation. If this rule is implemented before the Commission takes action on the instant petition, LAKE respectfully requests a petitioner's preference.

CONCLUSION

LAKE is petitioning the Commission to institute a Notice of Proposed Rule Making leading to the allocation of channel 274A at Roxton, Texas, as that community's first local service. This channel is available for allocation immediately, as it requires no deletions and/or substitutions in other communities. In addition, the allocation will require a site restriction of 6.67 kilometers at 44.70° (northeast from the community of license). LAKE certifies that it, or an entity in which it participates, will apply for the license at Roxton if the channel is allocated.

CERTIFICATION

I, William Harrison, President of Lake Broadcasting, Inc., and Petitioner for the allocation of channel 274A at Roxton, Texas, do hereby verify that the statements contained in this Petition for Rule Making are true and correct to the best of my knowledge and belief. I represent that this Petition is not filed for the purpose of impeding, obstructing or delaying determination on any other application or petition with which it may be in conflict.

Respectfully Submitted,
LAKE BROADCASTING, INC.



By: William Harrison
President

This 18^M Day of December, 1997

LAKE BROADCASTING, INC.
101 East Main
Suite 255
Denison, Texas 75020

ENGINEERING STATEMENT

IN SUPPORT OF A

PETITION FOR RULE MAKING

AD 274A @ Roxton, Texas
LAKE BROADCASTING, INC.

AD 274A (ROXTON, TEXAS) ALLOCATIONS STUDY
[DEPICTING SPACING TO ALL KNOWN FM FACILITIES]
(USING 6.67 KM SITE RESTRICTION AS REFERENCE)

33 35 18 N. Class A Search Date
95 40 27 W. Current rules spacings 12-19-97
Channel 274 -102.7 MHz

Call	Ch#	City	State	Bear'	Dist'	R'qrd	Margin
Community of Roxton			TX	224.7	6.67		
Reference Coordinates: 33-32-44 95-43-29							
KDMX	275C	Dallas	TX	227.4	165.01	165.0	0.01 *
KEMM.C	277C2	Commerce	TX	225.8	58.90	55.0	3.90 *
AP274	274A	Winona	TX	159.5	122.52	115.0	7.52 *
AP274	274A	Winona	TX	160.0	123.81	115.0	8.81 *
AP274	274A	Winona	TX	160.0	123.81	115.0	8.81 *
ALOPEN	275A	Idabel	OK	66.4	85.51	72.0	13.51
KKYRFM	273C1	Texarkana	TX	96.8	148.65	133.0	15.65
ALOPEN	274A	Winona	TX	158.8	130.76	115.0	15.76
AP274	274A	Winona	TX	158.4	133.75	115.0	18.75
AP274	274A	Winona	TX	158.1	135.66	115.0	20.66
AP274	274A	Winona	TX	153.8	136.88	115.0	21.88
KEMM.A	277A	Commerce	TX	216.5	54.38	31.0	23.38
AP274	274A	Winona	TX	156.5	147.56	115.0	32.56
ALOPEN	276C2	Atoka	OK	333.9	96.71	55.0	41.71
KEMM	221A	Commerce	TX	216.5	54.38	10.0	44.38
AD273	273A	Madill	OK	299.4	116.99	72.0	44.99
KJYO	274C	Oklahoma City	OK	322.5	273.96	226.0	47.96

EXHIBIT E
Figure 1

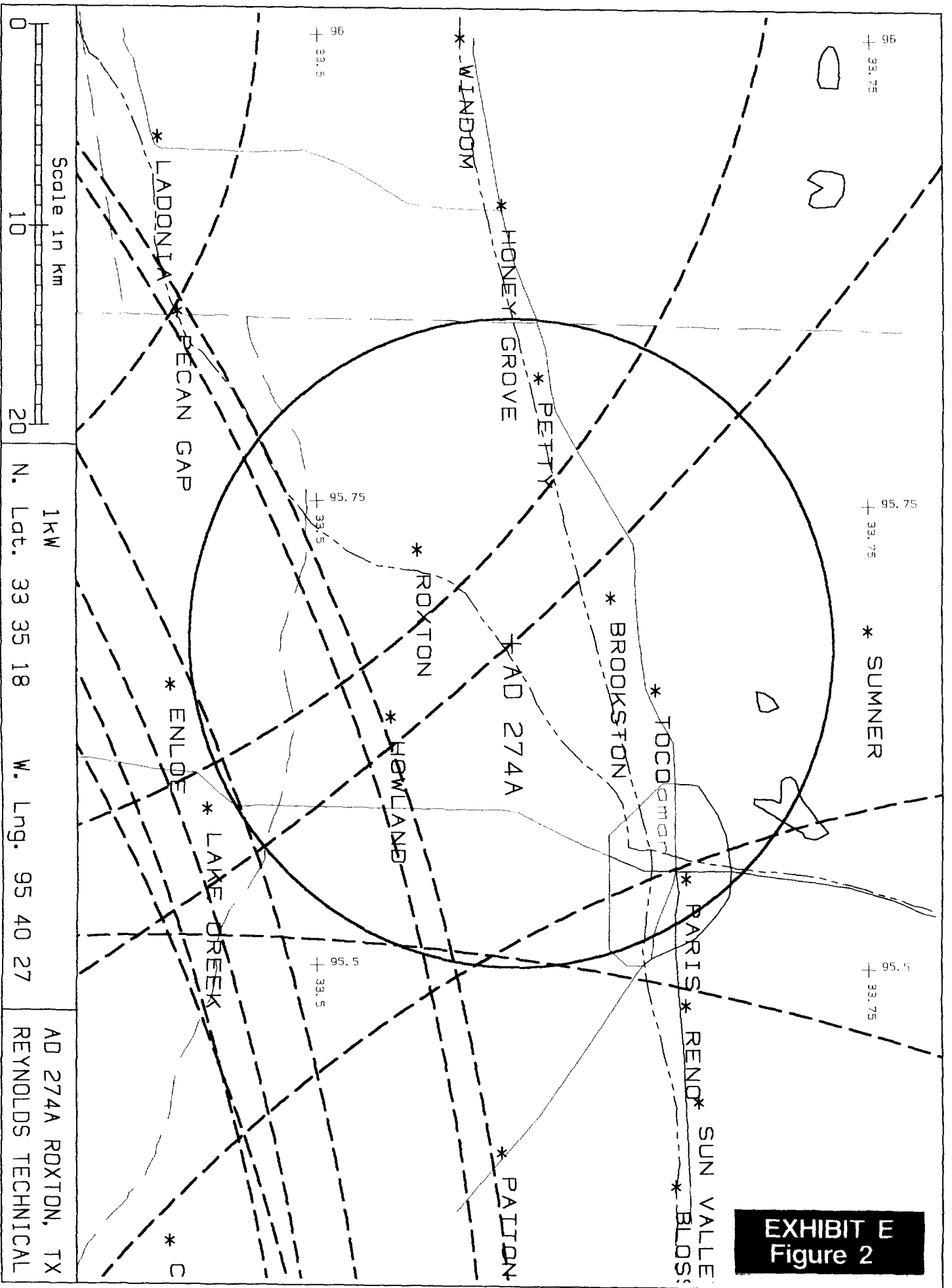


EXHIBIT E
Figure 2